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AUG 12 2010

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Attorney Docket No.: OOCL-152 (6MHA-03S0555P1)

Appl. No.: 10/780,440

Confirmation No.: 6170

Applicants: Sumio KAWAI, et al.

Filed: February 17, 2004

Title: PHOTOGRAPHING DEVICE PROVIDED WITH DUST REMOVING
MECHANISM

TC/A.U.: 2622

Examiner: Yogesh K. Aggarwal

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE ACTION

Sir:

In response to the Notice of Abandonment mailed on July 8, 2010 (Paper No. 20100702), the applicants petition that the Office reconsider and withdraw the holding of abandonment based on a failure to receive the Office Action mailed on December 1, 2009 ("the Office Action").

MPEP 711.03(c)(I)(A) provides "an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment," noting that "If adequately supported, the Office may grant the

petition to withdraw the holding of abandonment and
renail the Office action."

The undersigned is a founding partner in the firm of Straub & Pokotylo and is familiar with the systems used for recording an Office Action received at the correspondence address of record with the USPTO. All incoming mail is logged in chronological order, as a hand written entry, as it is received. The mail log includes the date of receipt, the attorney docket number and a brief description of the correspondence. After being logged, Patent Office correspondence is passed to a domestic or international docketing administrator, as appropriate. The docketing system (Pattsy from OP Solutions) is and has been sufficiently reliable. When an Office Action is received from the U.S. Patent Office, the domestic docketing administrator enters (in a record for the matter under the attorney docket number, which includes the application serial number), among other information, the mailed date of the Office Action. The due date for the response is automatically populated by the docketing system.

The undersigned searched the mail log and reviewed the docket record for the above-referenced application to determine if the Office Action was received. The physical file was also checked. Based on this investigation, it was determined that the Office Action was not received at the correspondence address of record.

A copy of the mail log for a two week period starting at the December 1, 2009 mailing date of the

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Office Action is filed herewith. Although a docket sheet for the above-referenced matter is also filed herewith, it may include information input after receipt of the Notice of Abandonment. At the time of receipt of the Notice of Abandonment, the docket sheet contained no entry for the Office Action.

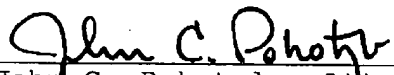
A copy of a master docket report showing all replies docketed for a date three months from the December 1, 2009 mail date of the nonreceived Office action (i.e., all replies due on March 1, 2010) is also filed herewith.

Conclusion

In view of the foregoing, the applicants respectfully petitions that the Office withdraw the holding of abandonment and issue a new Office Action.

Respectfully submitted,

August 12, 2010


John C. Pokotylo, Attorney
Reg. No. 36,242
Tel.: (732) 936-1400

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification

John C. Pokotylo

Signature

August 12, 2010

Date

Date Matter

Description

11-30	Google 86 pcr EPD	Letter Search Report
11-30	Google 37-2 pcr JP	11-11-09 cont'n
11-30	DOCL 304	Patent copy org
11-30	Google 38 pcr JP	11-20-09 cont'n
11-30	Google 78 pcr AU	Draw of Patent
11-30	Google 60 pcr AU	" "
11-30	Google 41 pcr AU	" "
11-30	Google 72 pcr AU	11-23-09 cont'n
11-30	Google 48 pcr JP	11-20-09 comments to Engtrans
11-30	Google 41 pcr JP	11-19-09 " "
11-30	Google 60 pcr JP	11-25-09 " "
11-30	Google 44 pcr JP	11-24-09 Reopening Request
12-1	Google 87 pcr AU	Letter Resp to Exam Report
12-1	Google 87 pcr CN	11-10-09 cont'n
12-1	Google 31 pcr JP	ntc of Ltrs Patent
12-1	DOCL 3370	11-30-09 citation
12-2	Google 115 pcr CN	ntc of 1st OA
12-2	Google 416 pcr JP	ntc of Publication
12-2	Google 28 App	Int Summary 11/19/09
12-2	DOCL 83	125 notification
12-2	DOCL 442	Filing Receipt
12-3	DOCL 239	11-30-09 cont'n
12-3	DOCL 134 DIV 2	ntc of Allowance
12-3	Poly 33-2 DIV	Filing Receipt
12-3	Google 47	ntc of Allowability
12-3	DOCL 215	Int Summary 9-25-09
12-3	High & Logic 3	" " 11-24-09
12-3	Poly 80	ntc of Allowance
12-7	TLW-11	Int-Summary 12-2-09
12-7	DOCL 308	OA 12-2-09
12-7	Jump 20	ntc of Allowance
12-7	DOCL 340	pto Postcard 11/25/09
12-8	Google 130 pcr AU	Letter Exam Report
12-8	DOCL 341	Letter Exam 5

Date	Matter	Patent/Serial	Description
12/9	Google 54 JP		LT re appeal
12/9	Google 371 PCT EPO		LT re exam
12/9	Google 78 PCT EPO		LT re search report
12/9	Google 15 PCT		PCT Filing Paper
12/9	POLY 76-2		OA 12-7-09
12-9	Westhoff II		12-7-09 OA
12-10	TW-20		OA 12-8-09
12-10	Pegasus-1		OA " "
12-10	Westhoff 13		ntc of accept / file fee
12-10	Google 47 PCT JP		act LT re filing docs
12-10	Google 31 PCT CA		" "
12-10	ODCL 311		orig patent copy
12-10	ODCL 371		" "
12-10	Yunice 22-2		OA 12-9-09
12-10	K-S		Amendments
12-11	ODCL 344		Recordation
12-11	ODCL 444		" "
12-14	Google 71 PCT JP		ntc of OA
12-14	ODCL 308		12-9-09 Contin
12-14	ODCL 293		act LT re exam
12-11	GBL Systems	Check 2947	5,000
12-11	Spuson		Statement
12-11	Hitachi	check 427247	1,967.50
12-11	ODCL 334		ntc of Abandonment
12-11	JNP 161 com		Publication ntc
12-11	TW-37		Dec. assignmt
12-11	Advis. Google 86		ADVISORY ACTION
12-11	Google 112		12-9-09 OA
12-11	Google 31 PCT CN		act keep re to OA
12-14	Google 32 App		PTO continuation of docs
12-14	ODCL 291		ntc of allowance
12-14	Pegasus 22		ntc of Abandonment
12-14	Google 54		PTO ack re refusal
12-14	Google 145 PCT CN		LT re submission
12-14	Google 115 PCT AU		LT re CPA

12/14	Google 85 pvt AU	LT & re CPA
12/14	Google 151 pvt	Pat Filing paper
12/14	Google 85 pvt JP	remainder of fee
12/14	Westhoff	ACCT overview
12/14	Juniper 13 con	12-11-09 OA
12/14	DOCL 255	12-10-09 OA
12/14	DMA 3 APP	ntcot Alliance
12/14	Springs 3 1	12-11-09 OA
12/15	DOCL 923 DIV	OA 12/11/09
12/15	Google 72 pvt AU	LT & re Exam pvt
12/15	Google 372 pvt JP	DIV APP Filing papers
12/16	DOCL 402	12-11-09 continuation
12/16	DOCL 365	12-10-09 " "
12/16	DOCL 313	12-8-09 " "
12/16	DOCL 377	ntcot Alliance
12/16	Google 56 cpl	Supp ntcot Alliance
12/16	Google 72 pvt EPD	comm. at LTR
12/16	QF 127 pvt ZA	Patent Grant
12/16	Google 31	ntcot Alliance
12/16	DOCL 401	Selection Restriction
12/16	DOCL 219	12/14/09 OA
12/17	DOCL 83	Patent copy COR
12/17	HHEA 86 cont DIV	Patent org
12/17	DOCL 333	OA 12/15/09
12/17	Google 42	12-9-09 Int Summary
12/17	DOCL 368	ntcot Alliance
12/17	TW 37	Miss parts Filing
12/17	CORVIA 4 App	" "
12/17	Surge	Resistance advice
12/17	DOCL 326	at instructions
12/17	Google 57 con	Filing Receipt
12/17	TW - Check 2852153	27,973.00
12/17	Google 56 pvt JP	12/15/09 continuation
12/18	ICHIM P10104008	New Patent App DOCS

YOUR#	OOCL-152		PRINTED ON	8/12/2010	
COUNTRY	US	UNITED STATES	TITLE	PHOTOGRAPHING DEVICE PROVIDED WITH DUST REMOVING MECHANISM	
NEW/CON	NEW	SERIAL#	10/780,440		
RELATED		PATENT#			
TYPE	UTL	STATUS	PUBLISHED		
CLIENT	Suzuye	SUZUYE & SUZUYE	1	CREF	6MHA-03S0555P1
AGENT				AREF	
PRIOR	2/17/2004				
MAIL	2/17/2004				
FILE	2/17/2004				
PUBL	9/2/2004				
ISSUE					
1ST	2/17/2004				
EXP	2/17/2024				

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
PD	Y	PRIORITY DOCUMENT	2/17/2004						2/17/2004				
filed a certified copy of Japanese appin #2002-137675 filed on 5/13/02.													
PC	Y	POST CARD CHECK	2/17/2004						3/1/2004				
filed check for \$1,068.00, transm, fee transm, executed dec & assign, recordation cover sheet, IDS, PTO/SB/08A, 6 refs (AA-AF), copy of foreign lang search report & translation, cert copy of Jap app #2002-137675, appin (51 pgs) & 9 drawings (Figs 1-15).													
AS	Y	ASSIGNMENT	2/17/2004						8/27/2004				
frame 0472 of reel 015013													
FS	Y	FILG RCPT STATUS CHK	2/17/2004						5/13/2004				
DS	N	INF DISCLOSURE STMT	2/17/2004	3M	5/17/2004		5/17/2004	0	2/17/2004	1M	Y	Y	Y
U9	N	Foreign File Due Rem	2/17/2004	8M	10/17/2004		10/17/2004	0		0M	N	Y	Y
AN	N	AMEND PUBLICATION	9/2/2004	2M	11/2/2004		11/2/2004	0		1M	N	Y	Y
FO	N	FOREIGN FILING DUE	2/17/2004	12M	2/17/2005		2/17/2005	0		3M	N	Y	Y
PO	N	PUBLISH AS AMENDED	2/17/2004	14M	4/17/2005		4/17/2005	0		1M	N	Y	Y
ID	N	IDS W/ PTO-1449	8/12/2005	0M	8/12/2005		8/12/2005	0	8/12/2005	0M	Y	Y	Y
filed an IDS, PTO/SB/08A and 14 refs (BD-BQ)													
SC	N	STATUS CHECK	2/17/2004	18M	8/17/2005		8/17/2005	0	5/2/2007	1M	N	Y	Y
PU	N	PUBLICATION	2/17/2004	18M	8/17/2005		8/17/2005	0	9/2/2004	1M	Y	Y	Y
BE	N	Potential Bar Event	9/2/2004	12M	9/2/2005		9/2/2005	0		2M	Y	Y	Y
R1	N	RESPONSE TO OA (1MO)	5/2/2007	1M	6/2/2007	51	11/2/2007	1	6/4/2007	0M	Y	Y	Y
5/16/07 agent fax - elect species 1, no change in inventorship. Prepare and file response by due date. - 5/21/07 agent fax in response to our ltr of 5/16/07 - 6/4/07 filed a transmittal and an election/amendment													
RE	N	RESPONSE TO OA	8/13/2007	3M	11/13/2007	31	2/13/2008	1	11/13/2007	1M	Y	Y	Y
10/26/07 agent fax enclosing comments and proposed amendment - file response by due date. - 11/13/07 filed a transm, fee transm, amendment, 1 annotated drawing sheet and 1 replacement drawing sheet.													
F9	N	Final Reject 1mo Rem	2/6/2008	1M	3/6/2008		3/6/2008	0		1M	Y	Y	Y
ER	N	EARLY RESP FINAL REJ	2/6/2008	2M	4/6/2008		4/6/2008	0		1M	Y	Y	Y
F8	N	Final Reject 2mo Rem	2/6/2008	2M	4/6/2008		4/6/2008	0		1M	Y	Y	Y
A1	N	Advisory Action	2/6/2008	3M	5/6/2008	31	8/6/2008	3		1M	Y	Y	Y
6/25/08 agent fax - w/inquiry regarding examiner comments - confirm reply before filing response - reply to their inquiry asap - 7/1/08 agt fax rqst Examiner Interview to discuss if phrase is effective or not - if not amend phrase and file an RCE													
FR	N	FINAL REJECTION	2/6/2008	3M	5/6/2008	31	8/6/2008	3	5/6/2008	1M	Y	Y	Y
5/6/08 filed a transmittal, fee transmittal and a Request for Reconsideration *****FOLLOW UP RESPONSE DUE***** - 7/7/08 agent fax file RCE with amendment as indicated by our letter of 7/3/08													
CX	Y	RQST CONTINUED EXAM	7/7/2008										
7/7/08 filed a transm, fee t ansnm w/auth to chg dep acct. \$1270.00, req for a two mo ext, RCE and an amendment													

INVENTORS		ASSIGNEES	
Sumio Kawai		Olympus Corporation	
Junichi Ito			
Hiroyuki Takizawa			

USER-DEFINABLE FIELDS				PATENT FIELDS			
TXT1				SMALL ENTITY	No	PUBL#	US-2004-0169761-A1
TXT2				IND CLAIMS		ART UNIT	2622
TXT3				CLAIMS		EXAMINER	Yogesh K. Aggarwal
				CONFIRM#			6170
P00894US00		ENTERED	2/12/2004	MODIFIED	8/11/2010	BY	sj
				ATTORNEYS	JCP	/	AM
						/	DD

PATENT USER ACTION REPORT BY DUE DATE

FROM: 3/1/2010
 THROUGH: 3/1/2010
 STATUS: ACTIVE
 ATTORNEY 1: MPS and JCP

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REFERENCE#	MARK/TITLE	COUNTRY	ACTION	ORIGINAL DUE DT	FINAL	RESPONSE	ATTY1 / ATTY2 PARA
COPIVIA-4APP	METHODS AND APPARATUS FOR PROCESSING UPLINK SIGNALS	US	FILG RCPT STATUS CHK	3/1/2010	3/1/2010	2/24/2010	MPS/MPS/SJ
COPIVIA-4APP	METHODS AND APPARATUS FOR PROCESSING UPLINK SIGNALS	US	INF DISCLOSURE STMT	3/1/2010	3/1/2010		MPS/MPS/SJ
COPIVIA-4APP	METHODS AND APPARATUS FOR PROCESSING UPLINK SIGNALS	US	FILG RCPT STATUS CHK	3/1/2010	3/1/2010	12/17/2009	MPS/MPS/SJ
QF-344	A METHOD AND APPARATUS FOR TIME SYNCHRONIZATION OF PARAMETERS	US	DRAFT DUE REMINDER	3/1/2010	3/1/2010	3/3/2010	MPS/MPS/SJ
QF-363	PROVIDING QUALITY OF SERVICE FOR VARIOUS TRAFFIC FLOWS IN A COMMUNICATIONS ENVIRONMENT	US	RESPONSE TO OA	3/1/2010	6/1/2010		MPS/MPS/SJ
QF-369	UPLINK SCHEDULING FOR OFDM SYSTEMS	US	DRAFT DUE TO	3/1/2010	3/1/2010	3/8/2010	MPS/MPS/SJ
Google-108	GENERATING KEYWORD SUGGESTIONS USING ADVERTISER INFORMATION, SUCH AS ADVERTISER WEBSITE INFORMATION FOR EXAMPLE	US	Advisory Action	3/1/2010	3/1/2010		JCP/DK/DD
Google-35APP	IDENTIFYING RELATED INFORMATION GIVEN CONTENT AND/OR PRESENTING RELATED INFORMATION IN ASSOCIATION WITH CONTENT-RELATED ADVERTISEMENTS	US	IDS W/ PTO-1449	3/1/2010	9/1/2010		JCP/LL/CE
Google-41PCT/Korea	SUGGESTING AND/OR PROVIDING TARGETING CRITERIA FOR ADVERTISEMENTS	KR	ISSUE FEE	3/1/2010	5/1/2010	4/26/2010	JCP/LL/DD
Google-78	FACILITATING THE SERVING OF ADS HAVING DIFFERENT TREATMENTS AND/OR CHARACTERISTICS, SUCH AS TEXT ADS AND IMAGE ADS	US	IDS W/ PTO-1449	3/1/2010	5/1/2010	2/25/2010	JCP/DK/DD
Google-86	IMPROVING ADVERTISEMENT APPROVAL	US	IDS W/ PTO-1449	3/1/2010	5/1/2010	4/19/2010	JCP/DK/DD
Google-86PCT/Korea	IMPROVING ADVERTISEMENT APPROVAL	KR	RESPONSE TO OA	3/1/2010	8/1/2010	8/2/2010	JCP/DK/DD
Juniper-20	DETECTING A LABEL-SWITCHED PATH OUTAGE USING ADJACENCY INFORMATION	US	ISSUE FEE	3/1/2010	3/1/2010	3/1/2010	JCP/LL/DD
OOCL-134DIV2	ELECTRONIC IMAGING APPARATUS WITH ANTI-DUST FUNCTION	US	ISSUE FEE	3/1/2010	3/1/2010	3/1/2010	JCP/LL/DD
OOCL-168	PHOTOGRAPHING APPARATUS, CONTROL METHOD FOR LENS BARREL OF PHOTOGRAPHING APPARATUS, PRINTER, CONTROL METHOD FOR PRINTER, AND PRINTING SYSTEM	US	PRIORITY DOCUMENTS	3/1/2010	3/1/2010		JCP/JCP/CE
OOCL-308	IMAGE PICKUP APPARATUS CORRECTING FOR DEFECTIVE PIXELS OF AN IMAGE PICKUP ELEMENT	US	DRAFT DUE TO AGENT	3/1/2010	3/1/2010	2/25/2010	JCP/JCP/CE

PATENT USER ACTION REPORT BY DUE DATE

FROM: 3/1/2010
THROUGH: 3/1/2010
STATUS: ACTIVE
ATTORNEY 1: MPS and JCP

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Poly-121PROV	FLASH TRIE: HASH-BASED COMPACT TRIE FOR IP ROUTE LOOKUP BEYOND 100 Gbps	US	FILG RCPT STATUS CHK	3/1/2010	3/1/2010	1/11/2010	JCP/JCP/SJ
Poly-80	MICRO-OPTICAL WALL SHEAR STRESS SENSOR	US	ISSUE FEE	3/1/2010	3/1/2010	3/1/2010	JCP/LL/SJ

END OF REPORT